IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

THE ST. JOE COMPANY, :

:

Plaintiff,

v. : C.A. No. 1:10-cv-968-LPS

TRANSOCEAN OFFSHORE DEEPWATER
DRILLING INC., TRANSOCEAN HOLDINGS
LLC, TRANSOCEAN DEEPWATER INC., and
TRITON ASSET LEASING GMBH,

:

Defendant.

MEMORANDUM OPINION

Following the Court's order issued on March 15, 2011 remanding this action to the Superior Court of the State of Delaware (D.I. 35), Defendants moved for a stay pending appeal, or, alternatively, a temporary stay to allow them to file a motion for stay with the Court of Appeals. (D.I. 37) Defendants have already filed a Notice of Appeal. (D.I. 36) The Court directed Plaintiff to respond to the motion to stay, which it did (D.I. 40), and thereafter Defendants filed a reply (D.I. 41).

When deciding whether to grant a stay pending appeal, courts typically look to the following factors: (1) whether the movant has shown a likelihood of success on the merits of the appeal; (2) whether the movant has shown a likelihood of irreparable injury absent a stay; (3) whether a stay would substantially harm other parties to the litigation; and (4) the public interest. See Hilton v. Braunskill, 481 U.S. 770, 776 (1987); Republic of Philippines v. Westinghouse Elec. Corp., 949 F.2d 653, 658 (3d Cir. 1991). The Court considered essentially the same factors in rendering its decision on Defendants' motion to stay pending a ruling by the Judicial Panel on Mulitidistrict Litigation (D.I. 3), which is part of the March 15 ruling. (See D.I. 34) These

factors weighed against a stay then, and the recent filings do not persuade the Court otherwise.

The Court will, therefore, deny the motion for a stay pending appeal.

That said, the Court advises the parties that the Clerk has yet to mail a certified copy of the order of remand to the clerk of the Delaware Superior Court. See 28 U.S.C. § 1447(c). The Court will grant a temporary stay and direct the Clerk to refrain from making the requisite mailing until March 28, 2011. Defendants shall submit a form of Order for the Court to enter, which shall be agreed to by Plaintiff as to form. This submission is due by 10:00 a.m. on March 21, 2011.

March 18, 2011 Wilmington, DE

UNITED STATES DISTRICT JUDGE